IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Writ Petition No. 212 (SS) of 2004

Smt. Rama Devi,
W/o late Kunwar Singh Pokharia,
R/o village and post – Khunwakote,
Kanarchhina,
District – Pithoragarh. **……Petitioner.**

Versus

1. The Registrar, Cooperative Societies, U.P., Lucknow.
2. Additional Registrar, Uttaranchal Cooperative Societies, Almora, Uttaranchal.
3. District Registrar, Cooperative Societies, Chamoli, District- Chamoli, Uttaranchal.
4. The Accountant General, U.P., Allahabad.

……..Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri L. S. Samant, learned counsel for the petitioner, learned Standing Counsel for the State of Uttaranchal on behalf of respondents no. 2 and 3 and Smt. Beena Pandey, learned Standing Counsel for the State of U.P. on behalf of respondents no. 1 and 4.

By means of this writ petition, the petitioner has prayed for the following reliefs:

a. Issue a writ, order or direction in the nature of Mandamus directing the respondents to release the entire GPF amount in favour of the petitioner.

b. Issue a writ, order or direction in the nature of Mandamus directing the respondents to pay 18%

interest on GPF amount since 31.07.1976 to till date of payment.

c. *Issue any other order or direction, which this Hon'ble Court may deem fit and proper in circumstances of the case.*

d. *Award the costs of the petition.*

The submission of the petitioner is that petitioner's husband was posted as Government Cooperative Supervisor in District Chamoli and was expired on 26.07.1976 while in service. After death of her husband, petitioner requested to the respondents for payment of retirel dues including GPF.

District Assistant Registrar, Cooperative Societies, Chamoli vide letter dated 27.10.1999 wrote letter to Additional Registrar (Uttarakhand), Cooperative Societies, U.P., Almora that according to the records the GPF amount of petitioner's husband comes to Rs. 1,638.75/- and requested to issue letter of sanction of 90% of GPF which comes to Rs. 1475/-.

Since at the time, when the petitioner's husband was expired, the 90% amount of the GPF was not being paid by the Department. The actual of amount of GPF was being paid by the Accountant General, U.P., Allahabad so Accountant General, U.P., Allahabad vide letter dated 01.06.2001 has issued sanction letter for release of GPF to the extent of Rs. 1150/-. It is further mentioned in the sanction letter that in respect of certain period statements of account of the GPF of petitioner's husband are missing from the office of Accountant General, U.P., Allahabad.

Petitioner's husband was expired in the year 1976 and the amount of GPF i.e. Rs. 1,150/- has been paid to the petitioner in the year 2001.

From the perusal of Annexure no. 4 to the writ petition, which is a letter issued by District Assistant Registrar, Cooperative Societies, Chamoli, Gopeshwar it reveals that the amount of GPF as per record of the department comes to Rs. 1,638.75 where Annexure No. 7 of the writ petition which is a letter of sanction of GPF amount issued by Accountant General, U.P., Allahabad shows that statement of deposit made towards GPF accounts by petitioner's husband for certain period is missing.

Once the department has certified that the amount of Rs. 1,638.75 comes towards the GPF in the account of petitioner's husband, then it is the duty of respondents no. 2 to 4 to settle the account and respondents cannot escape from their liabilities to complete the account of the petitioner's husband by saying that some of the amounts, which have been deposited by the petitioner's husband, during the service period towards to GPF are mission. However, the petitioner has been paid Rs. 1,150/- after about 25 years. Respondents are duty bound to pay interest on this amount for the period from the date when the petitioner's husband was expired till the payment was made.

Accordingly, I direct the respondents no. 3 and 4 to settle the account of the petitioner's husband in respect of GPF and make payment within a period of four months from the date of production of certified copy of this order. Respondents are also directed to make payment of interest

on the amount of GPF from the date when the petitioner was entitled to get the same till the date when she received the actual amount at the rate of 8% per annum.

With this direction, the petition as well as stay application no. nil of 2004 is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

December 11, 2006
SKSharma